

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RODNEY WILLIS,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF
HOMELESS; KEVIN PERDOMO; DENISE
TURNER,

Defendants.

24-CV-5091 (LTS)

ORDER DIRECTING PAYMENT OF FEE
OR IFP APPLICATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff Rodney Willis brings this action *pro se*. As set forth below, the Court directs Plaintiff, within 30 days, to submit payment of the fees necessary to proceed with this new civil action or request that the fees be waived. In the alternative, should Plaintiff choose not to proceed with this new action, he can file a motion to withdraw the action.

Plaintiff brings this action against Defendants New York City Department of Homeless Services, Kevin Perdomo, and Denise Turner. In a prior, substantially similar action, brought against the same defendants, Plaintiff asserted the same claims asserted in this new action. That action is pending before the Honorable Jessica G. L. Clarke, who referred the matter to Magistrate Judge Sarah L. Cave. *See Willis v. New York City Dep't of Homeless Servs.*, ECF 1:24-CV-0735, 1 (JGLC) (SLC) (“*Willis I*”). In *Willis I*, the defendants filed a motion to dismiss on June 28, 2024, and on July 2, 2024, Plaintiff filed a response. (*See* ECF 24, 27.) The following day, Plaintiff filed a new complaint, alleging the same facts he alleged in *Willis I*; he also attached several exhibits that he did not attach to his *Willis I* complaint. Although Plaintiff did not pay the filing fees necessary to initiate a new civil action – or submit an application asking that the fees be waived – the Clerk’s Office opened this new action. It is not clear,

however, whether Plaintiff intended to file a new civil action, raising the same claims he raised in *Willis I*.

Accordingly, if Plaintiff intended to bring this new civil action, he must pay, within 30 days of the date of this order, the \$405.00 in fees necessary to initiate this new civil action – a \$350.00 filing fee plus a \$55.00 administrative fee – or request authorization to proceed without prepayment of fees by submitting a signed *in forma pauperis* (“IFP”) application, *see* 28 U.S.C. §§ 1914, 1915. If Plaintiff submits the IFP application, it should be labeled with docket number 24-CV-5091 (LTS). If the Court grants the IFP application, Plaintiff will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1). Plaintiff also may submit a Related Case Statement, setting forth the reasons this case may be deemed related to *Willis I*, under Rule 13 of the Rules for the Division of Business Among District Judges.¹

If Plaintiff did not intend to file a new civil action, but rather intended to submit a document in *Willis I*, he may file a motion to withdraw this action and seek leave in *Willis I* to submit any additional documents by writing a letter to Magistrate Judge Cave.

No summons shall issue at this time. If Plaintiff complies with this order, this case shall be processed in accordance with the procedures of the Clerk’s Office. If Plaintiff fails to comply with this order within the time allowed, this action will be dismissed.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

¹ Under Rule 13, when determining relatedness, judges consider whether:

(A) the actions concern the same or substantially similar parties, property, transactions, or events; (B) there is substantial factual overlap; (C) the parties could be subjected to conflicting orders; and (D) whether absent a determination of relatedness there would be a substantial duplication of effort and expense, delay, or undue burden on the court, parties, or witnesses.

Coppedge v. United States, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: July 10, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge